

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>HUMAN POWER OF N COMPANY,</b>	§	
<b>Plaintiff,</b>	§	
<b>v.</b>	§	
	§	
<b>NATHAN BRYAN, PNEUMA NITRIC OXIDE, LLC, NITRIC OXIDE INNOVATIONS LLC, AND BRYAN NITRICEUTICALS, LLC,</b>	§ § § §	<b>A-21-CV-811-LY</b>
<b>Defendants.</b>	§	

**ORDER**

Before the court is Plaintiff’s Motion to Compel Discovery and Obtain a Forensic Image of Defendants’ Hard Drives and Email Systems (“Motion”) (Dkt. #33), Defendants’ Response in Opposition to Plaintiff’s Motion to Compel Discovery and Obtain a Forensic Image of Defendants’ Hard Drives and Email Systems (Dkt. #37) and Plaintiff’s Reply Memorandum of Law in Further Support of Motion to Compel (Dkt. #38).<sup>1</sup> Before the hearing and pursuant to this court’s order setting the matter for hearing, the parties submitted a Joint Status Report on Plaintiff’s Motion to Compel Forensic Examination. Dkt. #42. Having considered the Motion and related pleadings, the applicable law, the entire docket, and holding a hearing on March 14, 2023, the undersigned enters the following order.

For the reasons described during the hearing, Plaintiff’s Motion to Compel Discovery and Obtain a Forensic Image of Defendants’ Hard Drives and Email Systems is granted. Plaintiff’s request for fees and costs associated with the Motion is similarly granted.

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<sup>1</sup> The Motion was referred by United States District Judge Lee Yeakel to the undersigned for disposition on the merits pursuant to 28 U.S.C. § 636(b)(1)(A), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Dkt. #36.

Defendants are **ORDERED** for the time period of January 1, 2017 to December 31, 2021 to:

1. Image all hard-drives, laptops and cell phones used by Defendant Nathan Bryan and Susan Shaffer.
2. Submit the imaged data to a comprehensive forensic examination by a qualified expert consistent with Plaintiff's discovery requests, previously agreed upon search protocols and otherwise described in the Joint Status Report (Dkt. #42). This review also includes but is not limited to an identification of any information, documents and data that have been destroyed or deleted.
3. Defendant must thereafter identify and produce all responsive information, documents and data to Plaintiff.
4. Defendant must accomplish the above no later than 5:00 p.m. CDT on Friday, March 31, 2023.

Plaintiff and Defendants are **ORDERED** to meet and confer with regard to a draft of Plaintiff's request for fees and costs associated with the Motion by Wednesday, March 22, 2023. In the wake of that effort, Plaintiff must submit its application for fees and costs by Friday, March 24, 2023. Defendant will have seven days to respond to Plaintiff's application. Plaintiff is reminded that the application for fees and costs must be reasonable and directly related to issues raised in the Motion.

In conclusion, Plaintiff's Motion to Compel Discovery and Obtain a Forensic Image of Defendants' Hard Drives and Email Systems (Dkt. #33) is **GRANTED**.

SIGNED March 15, 2023.



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MARK LANE  
UNITED STATES MAGISTRATE JUDGE